

COOLEY LLP
MICHAEL A. ATTANASIO (151529)
(mattanasio@cooley.com)
JENNIFER M. FRENCH (265422)
(jfrench@cooley.com)
4401 Eastgate Mall
San Diego, CA 92121-1909
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

Attorneys for Defendant
HSUAN BIN CHEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HSUAN BIN CHEN, et al.,

Defendant.

Case No. CR-09-00110-SI

**DEFENDANT HSUAN BIN CHEN'S
UNOPPOSED APPLICATION AND
~~[PROPOSED]~~ ORDER FOR TEMPORARY
DOMESTIC TRAVEL OUTSIDE THE
NORTHERN DISTRICT OF CALIFORNIA**

Defendant Hsuan Bin Chen hereby requests that this Court permit him to travel briefly within the United States. This request is based on the following:

1. Mr. Chen's proposed travel will take place in three phases with return trips to this District in between each phase. Mr. Chen submits this request in a single application for the convenience of the parties, the Court, and the Clerk's office. Mr. Chen's out-of-district travel will span from November 25 through December 3, 2010; from December 6 through December 7, 2010; and from December 10 through December 12, 2010. The details of each trip are set forth below.

2. From November 25 through November 28, 2010, Mr. Chen will travel to Minnesota to spend the Thanksgiving holiday with his daughter, Dr. Ju-Hsien “Jody” Chen Nienaber, and his son-in-law, Dr. Jeff Nienaber. Mr. Chen’s other daughters will also join the family in Rochester.

3. From November 28 through December 3, 2010, Mr. Chen will travel to New York and Boston to meet with investment banks and potential investors. This domestic business trip is important to AUO’s business operations and is an integral part of Mr. Chen’s duties as a senior AUO executive.

4. From December 6 through December 7, 2010, Mr. Chen will travel to Los Angeles to meet with additional investment banks and potential investors. Mr. Chen will also meet with his San Diego-based counsel while in Los Angeles.

5. From December 10 through December 12, 2010, Mr. Chen will travel to Houston, Texas to meet with an important AUO customer and to meet with AU Optronics Corporation America staff at its Houston office.

6. The detailed itinerary for Mr. Chen’s trips is as follows:

- Minneapolis, Minnesota: On Thursday, November 25, 2010, Mr. Chen will travel by air from San Francisco, California to Minneapolis, Minnesota. He will stay at the Nienaber home, located at 207 5th Avenue SW, Unit 208, Rochester, Minnesota 55902 and can be reached locally by telephone at (507) 269-8512.
- New York, New York: On Sunday, November 28, 2010, Mr. Chen will travel by air from Minneapolis, Minnesota to New York, New York. He will stay at the Embassy Suites Hotel, located at 102 North End Avenue, New York, New York 10281, telephone (212) 945-0100.
- Boston, Massachusetts: On Thursday, December 2, 2010, Mr. Chen will travel by air from New York, New York to Boston, Massachusetts. He will stay at the Boston Harbor Hotel, located at 70 Rowes Wharf, Boston, Massachusetts 02110, telephone (617) 439-7000.

- 1 • San Francisco, California: On Friday, December 3, 2010, Mr. Chen will travel
2 by air from Boston, Massachusetts to San Francisco, California. He will stay
3 at the Ritz Carlton San Francisco, located at 600 Stockton Street, San
4 Francisco, California 94108, telephone (415) 296-7465.
- 5 • Los Angeles, California: On Monday, December 6, 2010, Mr. Chen will travel
6 by air from San Francisco, California to Los Angeles, California. He will stay
7 at the Hyatt Regency Century Plaza, located at 2025 Avenue of the Stars, Los
8 Angeles, California 90067, telephone at (310) 228-1234.
- 9 • San Francisco, California: On Tuesday, December 7, 2010, Mr. Chen will
10 travel by air from Los Angeles to San Francisco. He will stay at his current
11 lodging in Milpitas, California. He will appear before this Court at the
12 scheduled motions hearing on December 9 and he will check-in with Pretrial
13 Services at that time.
- 14 • Houston, Texas: On Friday, December 10, 2010, Mr. Chen will travel by air
15 from San Jose, California to Houston, Texas. He will stay at the Wingate Inn,
16 9050 Mills Road, Houston, Texas 77070, telephone at (281) 477-8000. Mr.
17 Chen will travel by air from Houston, Texas to San Jose, California on
18 December 12, 2010.

19 7. Through counsel, Mr. Chen will provide his detailed itinerary and the address and
20 telephone number of the residence and hotels listed in paragraph 4 to his Pretrial Services Officer
21 (Allen Lew) and the government. He will continue to observe all other terms of his release while
22 traveling.

23 8. In order to facilitate his travel by air consistent with TSA regulations, Mr. Chen
24 requests that this Court direct the Clerk of Court to temporarily return his Taiwanese passport so
25 that he may use it to travel to the above cities and to return to San Francisco only. Mr. Chen will
26 return his passport to the custody of the Clerk immediately upon his final return to San Francisco
27 on December 12, 2010 (subject only to the Clerk's business hours).

1 **9.** The undersigned has communicated with Pretrial Services Officer Allen Lew by
2 email concerning this request. Mr. Lew informed the undersigned that Pretrial Services does not
3 oppose this request.

4 **10.** The undersigned also communicated with Department of Justice attorney Heather
5 Tewksbury by email concerning this request. Ms. Tewksbury stated that the government will
6 defer to Pretrial Services concerning this specific request and will not oppose the request if
7 Pretrial Services approves Mr. Chen's proposed domestic travel.

8 Accordingly, Mr. Chen respectfully requests that the terms of his bond pending trial be
9 modified temporarily to permit the requested brief travel outlined above on the dates specified in
10 this application.

11
12 Dated: November 17, 2010

COOLEY LLP

13
14
15 s/Michael A. Attanasio

16 MICHAEL A. ATTANASIO

17 Attorneys for Defendant HSUAN BIN CHEN
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the foregoing, and good cause appearing, IT IS HEREBY ORDERED:

1. Defendant Hsuan Bin Chen's conditions of release are hereby modified temporarily to permit him to travel outside of the Northern District of California consistent with the terms and conditions set forth above.

2. The Clerk of Court is directed to return Mr. Chen's passport to him temporarily to permit him to travel as set forth above in Mr. Chen's application. Mr. Chen shall immediately return his passport to the Clerk of Court when the subject trip is completed.

IT IS SO ORDERED:

Dated: 11/17/2010

